

AN ORDINANCE **100831**

AUTHORIZING THE EXECUTION AND DELIVERY OF A FOURTH AMENDMENT TO AGREEMENT FOR TRANSFER OF USE, BENEFIT, AND CONTROL OF PROPERTY BETWEEN THE CITY AND SAWS RELATING TO THE SAWS' HEADQUARTERS BUILDING AND THE HISTORIC YTURRI HOUSE. THE AMENDMENT (1) DEFERS TO MAY 31, 2005 THE DATE BY WHICH SAWS MUST CLOSE; (2) APPROVES A LEASEBACK AGREEMENT BETWEEN THE CITY AND SAWS; (3) ESTABLISHES A RE-DEFINED PURCHASE PRICE FOR THE PROPERTY, (\$7,363,590) PURSUANT TO THE TERMS OF THE LEASEBACK AGREEMENT; (4) LISTS PERSONAL PROPERTY THAT WILL BE CONVEYED FROM SAWS TO THE CITY AT CLOSING AND (5) APPROVES A TRI-PARTY AGREEMENT AMONG THE CITY OF SAN ANTONIO, SAWS AND CPS PERTAINING TO SEPARATION OF UTILITIES, ALONG WITH AN AMENDMENT TO THE TRI-PARTY AGREEMENT BETWEEN CITY PUBLIC SERVICE AND THE CITY OF SAN ANTONIO REFLECTING NO THIRD PARTY ASSIGNMENT PROVISIONS.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

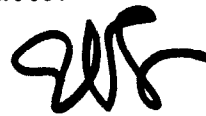
SECTION 1. The City Manager, Interim City Manager, and his designee are authorized and directed to enter into on behalf of the City a Fourth Amendment to the existing Agreement for Transfer of Use Benefit, and Control of Property with SAWS relating to 1001 E. Market and the Yturri House and, in connection therewith, to execute and deliver a contract amendment in substantially in the form attached hereto as **Exhibit 1**, together with all other instruments necessary or convenient to effect the amendment.

SECTION 2. The City Manager, Interim City Manager, and his designee are authorized and directed to enter into on behalf of the City a Leaseback Agreement with SAWS relating to 1001 E. Market and, in connection therewith, to execute and deliver a lease in substantially in the form attached as **Exhibit A** to the Fourth Amendment, together with all other instruments necessary or convenient to effect the lease.

SECTION 3. The City Manager, Interim City Manager, and his designee are authorized and directed to enter into on behalf of the City a Tri-Party Agreement among SAWS, CPS, and the City relating to submetering of utilities at 1001 E. Market and the Yturri House and, in connection therewith, to execute and deliver an agreement in substantially in the form attached hereto as **Exhibit C** to the Fourth Amendment, together with all other instruments necessary or convenient to effect the agreement.

SECTION 4. This ordinance shall become effective May 22, 2005 unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it takes immediate effect.

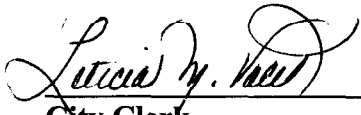
PASSED AND APPROVED this 12th day of May, 2005.



M A Y O R

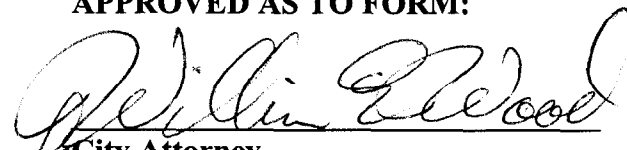
EDWARD D. GARZA

ATTEST



City Clerk

APPROVED AS TO FORM:



City Attorney